

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Heating, Ventilation and Air Conditioning
(Amendment)

815 KAR 8:080. Inspections and tests.

RELATES TO: KRS 198B.6671, 198B.6672, 198B.6673, 198B.6674, 198B.6675, 198B.6676, 198B.6677, 198B.6678[, EO-2009-535]

STATUTORY AUTHORITY: KRS 198B.654, 198B.6671, 198B.6673, 198B.6675[EO-2009-535]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.654 authorizes the department[~~Board of Heating, Ventilation and Air Conditioning contractors~~] to promulgate administrative regulations to administer, coordinate, and enforce KRS 198B.650-689.[~~EO-2009-535, effective June 12, 2009, reorganized the Office of Housing, Buildings and Construction as the Department of Housing, Buildings, and Construction, and established the commissioner, rather than executive director, as the head of the department.~~] This administrative regulation establishes the requirements for the tests and inspections[~~that are~~] necessary to ensure compliance with the Uniform State Building Codes.

Section 1. Inspections. (1) The department or authorized local HVAC permitting and inspection program shall inspect the following initial installations to ensure compliance with the Uniform State Building Code and the Uniform State Residential Code:

- ~~[(+)]~~(a) Air conditioning or cooling system;
- (b) Heating system; ~~[and]~~
- (c) Residential exhaust and ventilation systems;
- (d) Commercial exhaust and ventilation systems, other than commercial range hood exhaust systems; and
- (e) Dryer venting[~~Ventilation system; and~~].

(2) Alterations of an HVAC system in a building[~~buildings~~] condemned by a local jurisdiction[~~jurisdictions, alterations of an HVAC system, which~~] shall be considered an initial HVAC system installation.

Section 2. Major Repairs. At the request of a master HVAC contractor or homeowner with purchase of the requisite permit, the department or authorized local HVAC permitting and inspection program may inspect major repairs[, ~~if requested and permitted. This shall not pertain to inspections that arise from violations or complaints.~~].

Section 3. Access. All access, equipment, and material necessary for inspections and tests shall be provided[~~furnished~~] by the persons obtaining the HVAC installation permit.

Section 4. Conduct of[~~Residential~~] Inspections. (1) It shall be the responsibility of the person who obtained the HVAC installation permit to ~~[notify the department or authorized local HVAC permitting and inspection program and]~~ request an inspection by the department or authorized local HVAC permitting and inspection program[~~all inspections~~].

(2) For residential inspections:

(a) Prior to, or at the time of the first inspection, sizing calculations shall be provided to the department or authorized local HVAC permitting and inspection program or inspector; and[~~;~~]

(b)[~~(3)~~] The inspector shall verify the:

1.~~[(a)]~~ Date of calculation;

2.~~[(b)]~~ Orientation of structure;

3.~~[(c)]~~ Design conditions;

4.~~[(d)]~~ Heat gain;

5.~~[(e)]~~ Heat loss;

6.~~[(f)]~~ Square footage; and

7.~~[(g)]~~ Additional documentation if necessary to support sizing calculations.

(3) For commercial inspections, approved plans shall be made available to an inspector on site during an inspection.

(4)~~[(a)]~~ If any portion of the HVAC system is below ground, the underground portion of the system shall be inspected and approved prior to covering.

(5) Rough-in inspections shall be required only if any portion of the system will be covered or concealed. The rough-in inspection shall be conducted prior to covering or concealment.

~~(6)(a)~~[(b)]~~ If~~conditions require partial coverage of the permitted system, permission shall be requested of and received from the inspector prior to coverage.

~~(c) Covering~~ an installation is covered without prior inspection, the inspector shall require~~[approval or permission shall result in the uncovering of]~~ the system to be uncovered for inspection, unless unnecessary to perform the inspection~~[or if uncovering the system is likely to result in more damage].~~

~~(b) If conditions require partial coverage of the permitted system, permission shall be requested of and received from the inspector prior to coverage.~~

~~(c) If in the judgment of the inspector uncovering the system is likely to result in more damage, then exposing the system shall only occur at the request of the property owner.~~

~~(7)~~(5)(a)~~ Rough-in inspections shall be conducted on all work prior to covering or concealment.~~

~~(b) If conditions require partial coverage of the permitted system, permission shall be requested of and received from the inspector prior to coverage.~~

~~(c) Covering an installation without approval or permission shall result in the uncovering of the system for inspection, unless unnecessary or if uncovering the system is likely to result in more damage.~~

~~(6)]~~ A final inspection shall be conducted after all equipment has been set, in working order, and prior to occupancy.

~~(8)[Section 5. Commercial Inspections. (1) It shall be the responsibility of the person who obtained the HVAC installation permit to notify the department or authorized local HVAC permitting and inspection program and request all inspections.~~

~~(2) Approved plans shall be made available to an inspector on site during an inspection.~~

~~(3)(a) If any portion of the HVAC system is below ground, the underground portion of the system shall be inspected and approved prior to covering.~~

~~(b) If conditions require partial coverage of the permitted system, permission shall be requested of and received from the inspector prior to coverage.~~

~~(c) Covering an installation without approval or permission shall result in the uncovering of the system for inspection, unless unnecessary or if uncovering the system is likely to result in more damage.~~

~~(4)(a) Rough-in inspections shall be conducted on all work prior to covering, concealment, or setting equipment.~~

~~(b) If conditions require partial coverage of the permitted system, permission shall be requested of, and received from the inspector prior to coverage.~~

~~(c) Covering an installation without approval or permission shall result in the uncovering of the system for inspection, unless unnecessary or if uncovering the system is likely to result in~~

~~more damage.~~

~~(5) A final inspection shall be conducted after all equipment has been set, in working order, and prior to occupancy.~~

~~(6)] A partial or temporary final inspection may be conducted if:~~

~~(a) The HVAC system's service area of the building is completed; and~~

~~(b) The temporary or partial final inspection will not prevent the remaining portion of the system from being inspected.~~

Section 5.~~[6.]~~ Extent of Inspections. (1) Inspections shall include the following:

(a) Heating systems;

(b) Cooling systems;

(c) Residential exhaust and ventilation systems;

(d) Commercial exhaust and ventilation systems, other than commercial range hood exhaust systems; and

(e) Dryer venting.

(2) An inspection shall not include~~[consist of]~~ gas piping on the supply side of equipment shut offs.

Section 7. Certificate of Approval. Upon the satisfactory completion, in accordance with this administrative regulation, of final inspection of the HVAC system, ~~[a certificate of approval shall be issued by]~~ the department or authorized local HVAC permitting and inspection program shall issue a certificate of approval.

STEVEN A. MILBY, Commissioner

DAVID A. DICKERSON, Secretary

APPROVED BY AGENCY: April 12, 2018

FILED WITH LRC: April 13, 2018 at 9 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 22, 2018, at 9:00 a.m., EDT, in the Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments regarding this administrative regulation shall be accepted if received until 11:59 p.m. on May 31, 2018. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person:

CONTACT PERSON: David R. Startzman, General Counsel, Department of Housing, Buildings and Construction, 101 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412, phone 502-573-0365, fax 502-573-1057, email david.startzman@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: David R. Startzman

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes re-

quirements, processes, and procedures for HVAC inspections.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the HVAC inspection protocols required by KRS 198B.6673(1).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 198B.654(1) requires the department to "promulgate administrative regulations to administer, coordinate, and enforce the provisions of KRS 198B.650 to 198B.689 and to conduct examinations. KRS 198B.6673 requires the Department to establish HVAC inspection protocols that ensure timely inspections and minimal interruption to the construction process.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the HVAC inspection protocols required by KRS 198B.6673(1) and defines what equipment and systems should be inspected.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will exclude "commercial range hood exhaust systems" from those systems subject to HVAC inspection. This amendment also reorganizes the administrative regulation and corrects grammatical and technical errors.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary in order to eliminate duplicative inspections and to simplify compliance. The Division of Building Codes Enforcement already inspects "commercial range hood exhaust systems," so there is no need for the HVAC Division to inspect the same systems.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment is consistent with KRS 198B.654, which directs the Department of Housing, Buildings and Construction to promulgate administrative regulations to administer, coordinate, and enforce the provisions of KRS 198B.6673, which requires the Department to establish HVAC inspection protocols.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will simplify HVAC inspection compliance and eliminate duplicative inspections of "commercial range hood exhaust systems." This will further ensure timely inspections and minimal interruption to the construction process.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Department of Housing, Buildings and Construction, HVAC Division, and any local government inspectors authorized by the Department to make inspections.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to comply with this administrative regulation or amendment: This amendment will not impose any additional requirements on any entities identified in question (3).

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment will not impose any additional costs on any of the regulated entities identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities identified in question (3) will no longer have to conduct duplicative inspections of "commercial range hood exhaust systems."

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There are no anticipated additional costs to administer this regulatory amend-

ment.

(b) On a continuing basis: There are no anticipated additional costs to administer this regulatory amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of this amendment is anticipated to result in no additional costs to the agency. Any agency costs resulting from this administrative amendment will be met with existing agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This amendment will not necessitate an increase in fees or require funding to the Department for implementation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment does not establish or increase any fees directly or indirectly.

(9) TIERING: Is tiering applied? Tiering is not applied because all HVAC inspections will be subject to the amended regulations.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Housing, Buildings and Construction, HVAC Division, and any local government inspectors authorized by the Department to make inspections will be impacted by this amended administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. These amendments are authorized by KRS 198B.654 and KRS 198B.6673(1).

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulatory amendment will decrease revenue to the Division of HVAC by approximately \$45,000.00. This amendment eliminates duplicative range hood exhaust inspections so that only the Building Code Enforcement Division is responsible for such inspections.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulatory amendment will not generate additional revenues for state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year? There are no anticipated additional costs to administer this regulatory amendment for the first year.

(d) How much will it cost to administer this program for subsequent years? There are no anticipated additional costs to administer this regulatory amendment for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): -\$45,080

Expenditures (+/-): Neutral

Other Explanation: None